

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 AVISTUS FOBATE,

4 Plaintiff,

Case No. 2:22-cv-01948-ART-VCF

5 v.

6 R.J. SMITH, *et al.*,

7 Defendants.

8 ORDER

9 I. **DISCUSSION**

10 The Court issues this order on its own initiative. On September 19, 2023, the Office
11 of the Attorney General of the State of Nevada (“Attorney General’s Office”) filed a
12 response to Plaintiff Avistus Fobate’s (“Plaintiff”) subpoena duces tecum.¹ (ECF No. 17.)
13 Now that the Attorney General’s Office has filed an answer to Plaintiff’s subpoena, Plaintiff
14 must file a second amended complaint with the names of those he attempted to identify
15 as defendants, or, in the alternative, Plaintiff must move to substitute the true names of
16 the Doe defendants currently listed in the first amended complaint. (ECF No. 11.) Plaintiff
17 must do either of these proposed actions on or before **October 23, 2023**. If Plaintiff fails
18 to do either of the proposed actions before the deadline, the Court will dismiss the case
19 without prejudice.

20 II. **CONCLUSION**

21 For the foregoing reasons, it is ordered that Plaintiff must either file a second
22 amended complaint with the names of those he attempted to identify as defendants, or,
23 in the alternative, Plaintiff must move to substitute the true names of the Doe defendants
24 currently listed in the first amended complaint on or before **October 23, 2023**.

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28 ¹ In the screening order, the Court instructed Plaintiff that he could file a Rule 45 subpoena duces tecum to attempt to identify two John Does. (ECF No. 10 at 7-8.)

It is further ordered that if Plaintiff fails to do either of the proposed actions before the deadline, the Court will dismiss the case without prejudice.

DATED THIS 25th day of September 2023.

Carla Baker
UNITED STATES MAGISTRATE JUDGE